

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wendy Naimark et al. Art Unit : 3767
Serial No. : 10/645,652 Examiner : Catherine Witczak
Filed : August 20, 2003 Conf. No. : 8822
Title : MEDICAL DEVICE FOR DELIVERY OF A BIOLOGICALLY ACTIVE
MATERIAL TO A LUMEN

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 5, 2009

Applicant elects Group III (claims 27, 28 and 35-39), with traverse.

Applicant thanks the Examiner, Catherine N. Witczak, for the courtesy of granting the telephone interview with the applicant's representative, Yina Mo, on January 21, 2009. During the interview, the claims corresponding to each invention group were discussed and clarified. Applicant also noted that, in the office action dated June 17, 2008, the Examiner had indicated that claims now in both Group III and Group IV contained allowable subject matter. The Examiner acknowledged that the claims of both Group III and Group IV could be allowed upon provisional election one of the group, with traverse.

Applicant has therefore provisionally elected Group III (claims 27, 28 and 35-39) for substantive consideration in this application, with traverse, i.e. requesting that Group IV (claims 29-31 and 33) also be given substantive consideration in this application.

Please apply any other charges or credits to deposit account 06 1050, referencing Attorney Docket No. 10527-1021002.

Respectfully submitted,

Date: January 29, 2009

/timothy a. french/

Timothy A. French
Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: January 29, 2009